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12 Attorneys for Plaintiff,  
13 Shonda Howard

14 UNITED STATES DISTRICT COURT  
15 SOUTHERN DISTRICT OF CALIFORNIA

16 Shonda Howard,

17 Plaintiff,

18 vs.  
19

20 Midland Credit Management, Inc.,

21 Defendant.  
22

Case No.: '15CV0778 JAH RBB

**COMPLAINT FOR DAMAGES**

**1. VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT,  
15 U.S.C. § 1692 *ET SEQ.*;**

**JURY TRIAL DEMANDED**

1 For this Complaint, the Plaintiff, Shonda Howard, by undersigned counsel,  
2 states as follows:  
3

4 **JURISDICTION**

5 1. This action arises out of Defendant's repeated violations of the Fair Debt  
6 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA").  
7

8 2. Original jurisdiction exists pursuant to 28 U.S.C. § 1331.

9 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that  
10 Defendant transacts business here and a substantial portion of the acts giving rise to  
11 this action occurred here.  
12

13 **PARTIES**

14 4. The Plaintiff, Shonda Howard (hereafter "Plaintiff"), is an adult  
15 individual residing in New Orleans, Louisiana, and is a "consumer" as the term is  
16 defined by 15 U.S.C. § 1692a(3).  
17

18 5. The Defendant, Midland Credit Management, Inc. (hereafter "Midland"),  
19 is a company with an address of 8875 Aero Drive, Suite 200, San Diego, California  
20 92123 , operating as a collection agency, and is a "debt collector" as the term is  
21 defined by 15 U.S.C. § 1692a(6).  
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**ALLEGATIONS APPLICABLE TO ALL COUNTS**

**A. The Debt**

6. A financial obligation (the “Debt”) was allegedly incurred to an original creditor (the “Creditor”) by “Whitey”, a person who is not a party to this lawsuit (the “Debtor”).

7. Upon information and belief, the Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

8. Upon information and belief, the Debt was purchased, assigned or transferred to Midland for collection, or Midland was employed by the Creditor to collect the Debt.

9. The Defendant attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

**B. Midland Engages in Harassment and Abusive Tactics**

10. Within the last year, Midland contacted Plaintiff in an attempt to collect the Debt.

11. When contact was made, Midland asked to be connected to the Debtor.

12. Plaintiff is not the Debtor, does not know the Debtor, and has no responsibility for repayment of the Debt.

1           13. During a live conversation with Midland, Plaintiff advised Midland that  
2 it was calling the wrong number and that the Debtor was unknown to Plaintiff.  
3

4           14. Plaintiff further requested that Midland cease all calls.

5           15. Despite Plaintiff's unequivocal explanation and request, Midland  
6 continued calling Plaintiffs at an excessive and harassing rate.  
7

8 **C. Plaintiff Suffered Actual Damages**

9           16. The Plaintiff has suffered and continues to suffer actual damages as a  
10 result of Defendant's conduct.  
11

12           17. As a direct consequence of the Defendant's acts, practices and conduct,  
13 Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional  
14 distress, fear, frustration and embarrassment.  
15

16 **COUNT I**  
17 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
18 **15 U.S.C. § 1692, et seq.**

19           18. The Plaintiff incorporates by reference all of the above paragraphs of this  
20 Complaint as though fully stated herein.

21           19. Defendant contacted Plaintiff in regards to the third party's debt on  
22 numerous occasions, without being asked to do so, in violation of 15 U.S.C. §  
23 1692b(3).  
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1 D. Punitive damages; and

2 E. Such other and further relief as may be just and proper.

3  
4 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

5  
6  
7 DATED: April 9, 2015

TRINETTE G. KENT

8 By: /s/ Trinette G. Kent

9 Trinette G. Kent, Esq.

10 Lemberg Law, LLC

11 Attorney for Plaintiff, Shonda Howard